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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/343,958	06/30/1999	SERGE JEAN MAURICE MISTER	0500.9904131	8512
23418	7590	07/18/2006	EXAMINER	
VEDDER PRICE KAUFMAN & KAMMHOLZ 222 N. LASALLE STREET CHICAGO, IL 60601			ZAND, KAMBIZ	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/343,958	<b>Applicant(s)</b> MISTER, SERGE JEAN MAURICE	
	<b>Examiner</b> Kambiz Zand	<b>Art Unit</b> 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on RCE filed on 05/10/2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-15, 24-29 and 42 is/are allowed.
- 6) ☒ Claim(s) 1-5, 9, 16-20, 30-34 and 38-41 is/are rejected.
- 7) ☒ Claim(s) 6-8, 21-23 and 35-37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

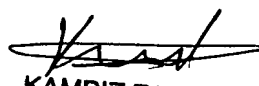
### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
KAMBIZ ZAND  
PRIMARY EXAMINER

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/10/2006 has been entered.

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.

2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.

3. Claims 1-7, 9-14, 16, and 30 have been amended.

4. New claims 41-42 have been added.

5. Claims 1-42 are pending.

### ***Response to Arguments***

6. Applicant's arguments with respect to the claims have been considered but they are not persuasive.

As per applicant's arguments that Rivest do not provide the data that prevent interception of incoming data for the software application, examiner remained the applicant that the intended use of the data is not relevant as long as the prior art do disclose the process of the invention. Therefore the part of the limitation "for a software application" is not considered as a novel or an inventive step over prior art. The question is if the prior art disclose a data (could be a key or a non-key" that prevent the interception of the incoming data. Rivest clearly disclose the insertion of the fake data in order to prevent the interception of the actual data (original message). Also the question of "non-key based" insertion data is also misleading since any insertion of the data to an original message would change the original message by hiding the original message and in that sense it act as a key regardless of the nature of the inserted data or as Rivest calls it the fake data.

Examiner however found applicant's arguments with respect to claim 7 as persuasive, therefor the rejection of claims 7, 22 and 36 have been withdrawn.

### ***Claim Rejections - 35 USC § 102***

7. **Claims 1-4, 9, 16-19, 30-33, and 38-40** are rejected under 35 U.S.C. 102(b) as being anticipated by Rivest (Chaffing and winnowing: confidentiality without encryption, 24 April 1998) cited in the IDS by Applicant.

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the

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individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

**As per claims 1, 16 and 30** Rivest teaches a method, apparatus and an storage medium for facilitating prevention of interception of incoming data that is provided for a software application, comprising: preventing interception of the incoming data, by providing non-key based insertion data for insertion as part of the incoming data (see page 1 where examiner consider "chaff" corresponding to Applicant's insertion data which is fake data as disclosed on page 2); storing the generated insertion data; and filtering received incoming data containing actual data and the insertion data (see page 1 and page 2) by comparing stored generated insertion data with incoming data to determine which data is actual data (see page 2 where it disclose filtering packet data that includes chaff as a fake insertion data; it is stored order as disclosed on page 2; also see authentication where examiner considers act of authentication as a comparison action; and where examiner considers the "original message" as corresponding to Applicant's actual data).

**As per claims 2, 17 and 31** Rivest teach the method, apparatus and storage medium of claims 1, 16 and 30 including processing the actual data resultant from filtering for use by the software application (see page 2 and 3).

**As per claims 3, 18 and 32** Rivest teach the method, apparatus and storage medium of claims 1, 16 and 30 including receiving the generated insertion data and actual data from a data input source; and queuing the insertion data with actual data for output as the incoming data (see page 2 and 3).

**As per claims 4, 19 and 33** Rivest teach the method, apparatus and storage medium of claims 1, 16 and 30 including analyzing foreground indication data and enabling generation of the insertion data in response to the foreground indication data (see pages 3 and 4).

**As per claim 9** Rivest the method of claim 1 wherein providing includes: providing the insertion data, under control of the software application that is to receive the incoming data (see pages 3-7).

**As per claims 38-40** Rivest discloses the insertion data as fake data (see page 2 and 3 where examiner considers the chaff as the fake data inserted to the original message that was broken into packets).

**As per claim 41** Rivest teaches a method, apparatus and an storage medium for facilitating prevention of interception of incoming data that is provided for a software application, comprising: preventing interception of the incoming data, by providing non-

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key based insertion data for insertion as part of the incoming data (see page 1 where examiner consider "chaff" corresponding to Applicant's insertion data which is fake data as disclosed on page 2); storing the generated insertion data; and filtering received incoming data containing actual data and the insertion data (see page 1 and page 2) by comparing stored generated insertion data with incoming data to determine which data is actual data (see page 2 where it disclose filtering packet data that includes chaff as a fake insertion data; it is stored order as disclosed on page 2; also see authentication where examiner considers act of authentication as a comparison action; and where examiner considers the "original message" as corresponding to Applicant's actual data), wherein providing includes: providing the insertion data, under control of the software application that is to receive the incoming data (see pages 3-7).

### ***Claim Rejections - 35 USC § 103***

**Claims 5, 20 and 34** rejected under 35 U.S.C. 103(a) as being unpatentable over Rivest (Chaffing and winnowing: confidentiality without encryption, 24 April 1998) cited in the IDS by Applicant in view of Fadem et al (4,744,077).

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially

teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

**As per claims 5, 20 and 34** Rivest disclose all limitation of the claim as applied to the claims 1, 16 and 30 but do not disclose explicitly the step of controlling timing of insertion data generation and output based on data queue parameters. However Fadem et al (4,744,077) teach the method, apparatus and storage medium of claims 1, 16 and 30 including the step of controlling timing of insertion data generation and output based on data queue parameters (see col.13, lines 19-46). It would have been obvious to one of ordinary skilled in the art to utilize fadem's control timing into Rivest packets stored order that corresponds to applicant's queue parameters in order to provide link flow control command in specific time slot (see col.2, lines 52-53).

### ***Allowable Subject Matter***

8. Claims 10-15, 24-29 and 42 are allowed.

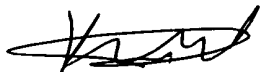
9. Claims 6-8, 21-23 and 35-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Conclusion**



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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571) 272-3811. The examiner can normally be reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KAMBIZ ZAND  
PRIMARY EXAMINER

07/11/2006

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